

ESTTA Tracking number: **ESTTA768028**

Filing date: **08/31/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Match.com, LLC
Granted to Date of previous extension	08/31/2016
Address	P.O. Box 25458 Dallas, TX 75225 UNITED STATES
Attorney information	William M. Merone Kenyon & Kenyon LLP 1500 K Street, N.W. Washington, DC 20005 UNITED STATES tmdocketdc@kenyon.com, wmerone@kenyon.com Phone:(202) 220 - 4200

### Applicant Information

Application No	86837390	Publication date	05/03/2016
Opposition Filing Date	08/31/2016	Opposition Period Ends	08/31/2016
Applicant	Kissix LLC 9170 E Bahia Ste. 106 Scottsdale, AZ 85260 UNITED STATES		

### Goods/Services Affected by Opposition

Class 045. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Dating services; Internet based social networking, introduction, and dating services

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4009396	Application Date	01/12/2011
Registration Date	08/09/2011	Foreign Priority Date	NONE
Word Mark	KISS.COM		

Design Mark	<b>KISS.COM</b>
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 1995/02/14 First Use In Commerce: 1995/02/14 Dating services; Internet based social networking, introduction, and dating services

U.S. Registration No.	2369897	Application Date	06/22/1998
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	KISS.COM		
Design Mark	<b>KISS.COM</b>		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/02/14 First Use In Commerce: 1995/02/14 COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR USE IN PROVIDING INFORMATION CONCERNING DATING SERVICES, [SINGLES EVENTS,] AND PERSONAL RELATIONSHIPS, AND FOR USE IN PROVIDING ON-LINE ELECTRONIC PERSONAL CLASSIFIED ADVERTISEMENTS		

Attachments	85215689#TMSN.png( bytes ) 75506249#TMSN.png( bytes ) Notice of Opposition.pdf(38378 bytes ) Exhibits for KISSIX Opposition.pdf(234402 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William M. Merone/
Name	William M. Merone

Date	08/31/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application:

Serial No. : 86837390  
Applicant : Kissix LLC  
Filed : December 2, 2015  
Mark : KISSIX

Published for Opposition on May 3, 2016

MATCH.COM, L.L.C.

*Opposer,*

v.

KISSIX LLC

*Applicant.*

Opposition No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Match.com, L.L.C. (“Match.com”), a limited liability company existing under the laws of the state of Delaware and having an address of P.O. Box 25458, Dallas, Texas 75225, believing it will be damaged by registration of **KISSIX** as a trademark in International Class 45 for “*Dating services; Internet based social networking, introduction, and dating services*” as shown in Serial No. 86837390, opposes same.

As grounds for opposition, Match.com alleges as follows:

1. Applicant, Kissix LLC, seeks registration of KISSIX as a trademark in International Class 45 for “*Dating services; Internet based social networking, introduction, and dating services*” (“the Subject Services”).
2. Applicant filed Application Serial No. 86837390 on December 2, 2015, claiming a *bona fide* intent to use the mark in commerce with or for the Subject Services.
3. Match.com owns the marks KISS and KISS.COM for use with the provision of online dating and/or related services (collectively, “the KISS.COM Marks.”). To protect its rights in the marks, Match.com secured the following registrations:

(1) **KISS.COM**

U.S. Reg. No. 4009396 for “Dating services; Internet based social networking, introduction, and dating services” (Int’l. Cl. 45)

Date of Registration: August 9, 2011

Application Date: January 12, 2011

Use in Commerce: February 14, 1995

(2) **KISS.COM**

U.S. Reg. No. 2369897 for “Computer services, namely, providing search engines for use in providing information concerning dating services and personal relationships, and for use in providing on-line electronic personal classified advertisements” (Int’l. Cl. 42)

Date of Registration: July 25, 2000

Application Date: June 22, 1998

Use in Commerce: February 14, 1995

(Printouts showing the above are attached as Exhibit A(1)-(2)).

4. Match.com, its licensees, and/or its predecessors-in-interest, have used the KISS.COM Marks in interstate commerce in connection with online dating and

social interaction and/or related services since at least as early as February 1995, well before the filing or first use date of Application Serial No. 86837390.

5. For example, Match.com has for many years used the KISS.COM Marks on an online dating website, including by displaying a stylized version of the KISS.COM mark that highlights for consumers the “KISS” element:



6. Match.com continues to use the KISS.COM Marks today, including in connection with an online dating website accessible to consumers through mobile devices.
7. Match.com, its licensees, and/or its predecessors-in-interest, have invested significant resources advertising and promoting goods and services sold under the KISS.COM Marks, and have used the marks extensively in connection with the sale of goods and/or services. As such, consumers and others view the KISS.COM Marks as famous, and regard Match.com as the origin of goods or services sold under the “KISS” or “KISS.COM” designation, especially in the field of online dating. The KISS.COM Marks acquired distinctiveness, fame, and renown among consumers and the public before Applicant’s filing or first use date.
8. Upon information and belief, Applicant will offer the Subject Services under the KISSIX mark to a variety of customers, many of whom are likely to be familiar

with, or actual purchasers or users of, services offered or provided by Match.com under its KISS.COM Marks.

9. Applicant's KISSIX mark appropriates Match.com's "KISS" mark in its entirety. The inclusion of the designation "IX" is unlikely to dispel confusion
10. Applicant's proposed use of KISSIX in connection with the Subject Services is thus likely to cause consumers mistakenly to believe that such services are related to Match.com or the KISS.COM Marks, or that such services originate from, or are sponsored or approved by, Match.com (or vice versa). This confusion and mistake is likely to cause injury to Match.com.
11. If Applicant is awarded a registration for KISSIX in connection with the Subject Services as shown in Serial No. 86837390, it would also be entitled to the presumptions flowing from such a registration, all to the injury of Match.com.
12. Concerned about the potential for confusion and for harm, Match.com timely filed this Notice of Opposition within the prescribed statutory period.
13. Match.com has not given Applicant permission to use the KISSIX mark, or to incorporate the KISS designation into any mark.

14. Accordingly, registration for the mark applied for under Serial No. 86837390 should be refused under the provisions of Section 2(d) of the Trademark Act.
15. On information and believe, Applicant lacked a *bona fide* intent to use the KISSIX mark in commerce for or in connection with the provision of the Subject Services as of December 2, 2015, the filing date of Application Serial No. 86837390.
16. Applicant Serial No. 86837390 was therefore void *ab initio* when filed.
17. Accordingly, registration for the mark applied for under Serial No. 86837390 should be refused under the provisions of Section 1(b) of the Trademark Act.

WHEREFORE, Opposer, Match.com, L.L.C., prays that Application Serial No. 86837390 be rejected, that no registration be issued to Applicant, and that this opposition be sustained in favor of Match.com.

Please address all future communications regarding this opposition to:

Edward T. Colbert  
William M. Merone  
KENYON & KENYON LLP  
1500 K Street, N.W.  
Washington, D.C. 20005  
Tel.: (202) 220 - 4200  
Fax: (202) 220 - 4201  
E-Mail: [tmocketdc@kenyon.com](mailto:tmocketdc@kenyon.com)  
[ecolbert@kenyon.com](mailto:ecolbert@kenyon.com)  
[wmerone@kenyon.com](mailto:wmerone@kenyon.com)



If any fees associated with this proceeding are required and were not paid during the course of the electronic filing process, please charge such fees to Deposit Account 11-0600 (Our Ref. 13094-267).

Respectfully submitted,

KENYON & KENYON LLP

Date: August 31, 2016

By: /William M. Merone/\_\_\_\_\_  
Edward T. Colbert  
William M. Merone  
KENYON & KENYON LLP  
1500 K Street, N.W.; Suite 700  
Washington, D.C. 20005  
Tel.: (202) 220-4200  
Fax: (202) 220-4201

*Counsel for Opposer,  
Match.com, L.L.C.*

### **Certificate of Service**

I hereby certified that the required number of copies of the foregoing *Notice of Opposition*, including all exhibits, was served as shown below:

***By U.S. Mail (Postage Prepaid)***

*Correspondent Listed in Serial No. 86837390*

Pollie Gautsch,  
G&A Legal, APC  
646 Valley Avenue; Suite A  
Solana Beach, California 92075

Date: August 31, 2016


By: /William M. Merone/  
Edward T. Colbert  
William M. Merone  
KENYON & KENYON LLP  
1500 K Street, N.W.; Suite 700  
Washington, D.C. 20005  
Tel.: (202) 220-4200  
Fax: (202) 220-4201

*Counsel for Opposer,  
Match.com, L.L.C.*

# **Exhibit A(1)**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.

2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS	DOCUMENTS	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2016-08-31 15:43:29 EDT			
<b>Mark:</b> KISS.COM			
		<h1>KISS.COM</h1>	
<b>US Serial Number:</b>	85215689	<b>Application Filing Date:</b>	Jan. 12, 2011
<b>US Registration Number:</b>	4009396	<b>Registration Date:</b>	Aug. 09, 2011
<b>Filed as TEAS Plus:</b>	Yes	<b>Currently TEAS Plus:</b>	Yes
<b>Register:</b>	Principal		
<b>Mark Type:</b>	Service Mark		
<b>TM5 Common Status Descriptor:</b>	 <div> LIVE/REGISTRATION/Issued and Active  The trademark application has been registered with the USPTO. </div>		
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
<b>Status Date:</b>	Aug. 09, 2011		
<b>Publication Date:</b>	May 24, 2011		
<b>▼ Mark Information</b> <span>▲ Collapse All</span>			
<b>Mark Literal Elements:</b>	KISS.COM		
<b>Standard Character Claim:</b>	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.		
<b>Mark Drawing Type:</b>	4 - STANDARD CHARACTER MARK		
<b>▼ Related Properties Information</b>			
<b>Claimed Ownership of US Registrations:</b>	<a href="#">2369897</a>		
<b>▼ Goods and Services</b>			
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> </ul>			

- Asterisks \*..\* identify additional (new) wording in the goods/services.

<b>For:</b>	Dating services; Internet based social networking, introduction, and dating services		
<b>International Class(es):</b>	045 - Primary Class	<b>U.S Class(es):</b>	100, 101
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Feb. 14, 1995	<b>Use in Commerce:</b>	Feb. 14, 1

#### ▼ Basis Information (Case Level)

<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No

#### ▼ Current Owner(s) Information

<b>Owner Name:</b>	Match.com, LLC		
<b>Owner Address:</b>	P.O. Box 25458 Dallas, TEXAS UNITED STATES 75225		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	DELAWARE

#### ▼ Attorney/Correspondence Information

##### Attorney of Record

<b>Attorney Name:</b>	William M. Merone	<b>Docket Number:</b>	13094-142
<b>Attorney Primary Email Address:</b>	<a href="mailto:tmdocketdc@kenyon.com">tmdocketdc@kenyon.com</a>	<b>Attorney Email Authorized:</b>	No

##### Correspondent

<b>Correspondent Name/Address:</b>	WILLIAM M. MERONE KENYON & KENYON LLP 1500 K ST NW STE 700 WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20005-1257		
<b>Phone:</b>	202.220.4200	<b>Fax:</b>	202.220.4
<b>Correspondent e-mail:</b>	<a href="mailto:tmdocketdc@kenyon.com">tmdocketdc@kenyon.com</a>	<b>Correspondent e-mail Authorized:</b>	No


Domestic Representative - Not Found

▼ Prosecution History		
Date	Description	Proceeding Number
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 21, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Apr. 18, 2011	ASSIGNED TO LIE	70468
Apr. 01, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 2011	ASSIGNED TO EXAMINER	70729
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2011	NEW APPLICATION ENTERED IN TRAM	
▼ TM Staff and Location Information		
TM Staff Information - None		
File Location		
Current Location:	PUBLICATION AND ISSUE SECTION	Date in Location: Aug. 09, 2
▼ Assignment Abstract Of Title Information - Click to Load		
▼ Proceedings - Click to Load		

# **Exhibit A(2)**

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.

2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS	DOCUMENTS	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2016-08-31 15:44:25 EDT			
<b>Mark:</b> KISS.COM		<b>KISS.COM</b>	
<b>US Serial Number:</b> 75506249	<b>Application Filing Date:</b> Jun. 22, 19		
<b>US Registration Number:</b> 2369897	<b>Registration Date:</b> Jul. 25, 20		
<b>Register:</b> Principal			
<b>Mark Type:</b> Service Mark			
<b>TM5 Common Status Descriptor:</b>	 <p>LIVE/REGISTRATION/Issued and Active</p> <p>The trademark application has been registered w</p>		
<b>Status:</b> The registration has been renewed.			
<b>Status Date:</b> Apr. 12, 2010			
<b>Publication Date:</b> May 02, 2000			
<b>▼ Mark Information</b> <span style="float: right;"> Collapse All</span>			
<b>Mark Literal Elements:</b> KISS.COM			
<b>Standard Character Claim:</b> No			
<b>Mark Drawing Type:</b> 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)			
<b>▼ Goods and Services</b>			
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul>			
<b>For:</b> COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR USE IN PROVIDIN DATING SERVICES, [SINGLES EVENTS,] AND PERSONAL RELATIONSHIPS, AND FOR US ELECTRONIC PERSONAL CLASSIFIED ADVERTISEMENTS			
<b>International Class(es):</b> 042 - Primary Class	<b>U.S Class(es):</b> 100, 101		
<b>Class Status:</b> ACTIVE			
<b>Basis:</b> 1(a)			



<b>First Use:</b>	Feb. 14, 1995	<b>Use in Commerce:</b>	Feb. 14, 1
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▼ **Basis Information (Case Level)**

<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No

▼ **Current Owner(s) Information**

<b>Owner Name:</b>	MATCH.COM, L.L.C.		
<b>Owner Address:</b>	8300 DOUGLAS AVENUE SUITE 800 DALLAS, TEXAS UNITED STATES 75225		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	DELAWARE

▼ **Attorney/Correspondence Information**

**Attorney of Record**

<b>Attorney Name:</b>	William M. Merone	<b>Docket Number:</b>	13094-80
<b>Attorney Primary Email Address:</b>	<a href="mailto:tmdocketdc@kenyon.com">tmdocketdc@kenyon.com</a>	<b>Attorney Email Authorized:</b>	Yes

**Correspondent**

<b>Correspondent Name/Address:</b>	William M. Merone KENYON & KENYON LLP 1500 K Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA UNITED STATES 20005-1257		
<b>Phone:</b>	202.220.4200	<b>Fax:</b>	202.220.4
<b>Correspondent e-mail:</b>	<a href="mailto:tmdocketdc@kenyon.com">tmdocketdc@kenyon.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes

**Domestic Representative**

<b>Domestic Representative Name:</b>	ROBERT W. SACOFF
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▼ **Prosecution History**

Date	Description	Proceeding Number
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Jun. 09, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 12, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Apr. 12, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 05, 2010	TEAS SECTION 8 & 9 RECEIVED	
Sep. 27, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Sep. 26, 2006	ASSIGNED TO PARALEGAL	69934
Jul. 25, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 25, 2006	TEAS SECTION 8 & 15 RECEIVED	
Mar. 08, 2006	CASE FILE IN TICRS	
Jul. 25, 2000	REGISTERED-PRINCIPAL REGISTER	
May 02, 2000	PUBLISHED FOR OPPOSITION	
Mar. 31, 2000	NOTICE OF PUBLICATION	
Jan. 13, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 04, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 04, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 02, 1999	NON-FINAL ACTION MAILED	
Mar. 16, 1999	ASSIGNED TO EXAMINER	72004
Mar. 02, 1999	ASSIGNED TO EXAMINER	74665

### ▼ Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jul. 25, 2010

### ▼ TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Apr. 12, 2010

### ▼ Assignment Abstract Of Title Information - Click to Load

▼ **Proceedings - Click to Load**

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